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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Adriene Jensen,

Plaintiff,

v.

United States Tennis Association,
Incorporated,

Defendant.

No. 2:22-cv-01905-PHX-DJH

JOINT STATUS REPORT

1 Pursuant to the Court’s April 8, 2025 Order [Doc. 34], Plaintiff Adriene
2 Jensen and Defendant United States Tennis Association, Incorporated (“USTA”) submit
3 their Joint Status Report after meeting and conferring on this matter. Counsel for Plaintiff
4 and Defendant met and conferred via telephone on April 17, 2025, and thereafter via email.

5 This action arises from an alleged sexual assault by Plaintiff’s private coach,
6 Rex Haultain. Plaintiff claims that USTA breached a duty to protect Plaintiff and other
7 minor members from abuse, which allegedly occurred across several jurisdictions. Plaintiff
8 originally filed suit in the Maricopa County Superior Court, and USTA removed the case
9 to this Court in November 2022. [See Doc. 1.] A case involving these same parties was
10 filed and litigated in the U.S. District Court for the District of Kansas. [See Docs. 5, 6.]
11 USTA filed a Motion to Dismiss with Prejudice in this lawsuit based on res judicata [Doc.
12 5], and a Motion to Transfer Venue to the United States District Court for the District of
13 Kansas. [Doc. 6.] USTA moved to stay the Rule 16 Conference pending the Court’s
14 resolution of those motions. [Doc. 24.] The Court granted that motion and stayed the Rule
15 16 Conference until the Court had the opportunity to rule on those pending motions. [Doc.
16 25.] In April 2023, this Court granted Defendant’s Motion to Dismiss and denied as moot
17 Defendant’s Motion to Transfer Venue. [Doc. 26.] Plaintiff appealed. After oral argument,
18 the Ninth Circuit Court of Appeals reversed and remanded. *Jensen v. United States Tennis*
19 *Ass’n*, No. 23-15757, 2025 WL 707447, at *1 (9th Cir. Mar. 5, 2025). In doing so, the
20 Ninth Circuit indicated that the Motion to Transfer Venue was no longer moot. *Id.* at *3
21 n.2. The Ninth Circuit filed its mandate on April 7, 2025. [Doc. 33.]

22 The Parties submit that the previously completed briefing on the Motion to
23 Transfer Venue is ripe for the Court’s review and respectfully request that the Court rule
24 on that Motion, as it is no longer moot.

25 PLAINTIFF’S STATEMENT

26 Plaintiff states that the motion to transfer is fully briefed and ripe for
27 resolution. However, discovery should not be stayed pending this Court’s ruling on the
28 transfer issue. In nearly five years of litigation, Plaintiff has not been permitted to conduct

1 any meaningful discovery in this case. In the Kansas action, Plaintiff was permitted only
2 one deposition under Fed. R. Civ. Proc. 30(b)(6), and from Plaintiff's perspective, that
3 single deposition was arbitrarily limited in time and scope. Furthermore, any fact discovery
4 conducted in this venue is unlikely to be materially different from discovery conducted in
5 Kansas, should this Court ultimately decide to transfer the case. Similarly, there is no
6 reason why a discovery plan in this Court would be any different from the Kansas court's
7 discovery plan, even if "tailored" to the needs of this case, as USTA suggests.

8 Plaintiff further objects to any bifurcation of discovery here; again, this case
9 has been in procedural limbo for five years. Defendant has thus far managed to evade any
10 meaningful discovery on the core issue of its own negligence, and there is no reason for
11 further delay. In particular, Plaintiff objects to Defendant's suggestion that further
12 discovery be conducted on the statute of limitations issue, as that issue has now been fully
13 litigated in multiple courts, including this one.

14 Plaintiff therefore respectfully requests that the Court schedule a Rule 16
15 Conference and allow discovery to commence pending resolution of the transfer issue.

16 **DEFENDANT'S STATEMENT**

17 It is Defendant's position that this Court's stay of the Rule 16 Conference
18 should remain in force until the transfer motion is resolved. [Doc. 25.] Courts routinely
19 stay proceedings pending a motion to transfer, and a stay is particularly appropriate here.
20 Any possibility of damage from the stay is minimal given that the motion to transfer venue
21 is fully briefed. The stay will also further the orderly course of justice and avoid
22 unnecessary hardship for both parties. As this Court explained, and as the Ninth Circuit
23 affirmed, this action and the prior Kansas action are materially identical. *See* Dkt. 26 5-7;
24 *Jensen v. USTA*, 2025 WL 707447 at *1 ("We agree with the district court that the first
25 'identities' are met between Jensen's first and second lawsuits."). In that earlier, materially
26 identical action, the district court in Kansas bifurcated discovery, with the first phase
27 focused on the potentially dispositive issues of legal duty, choice of law, and statute of
28 limitations. The parties completed the first phase of discovery and briefed summary

1 judgment on those issues. The court granted summary judgment on the statute of
2 limitations and declined to address the duty arguments. *See Jensen v. USTA*, No. 2:20-cv-
3 02422 (D. Kan. May 9, 2022), Doc. 137. If the Court were to grant the motion to transfer,
4 the district court in Kansas may use its prior experience in this litigation to provide a more
5 tailored discovery plan that would ease the burdens on the parties and on the court.
6 Defendant accordingly asks this Court to keep its stay of the Rule 16 Conference in place
7 until resolution of the motion to transfer.

8 In the event this Court proceeds with discovery, USTA requests that this Court
9 adopt the approach taken in the previous iteration of this litigation in Kansas to bifurcate
10 discovery. Phase I of discovery would focus on the potentially dispositive issues of duty,
11 choice of law, and statute of limitations. The parties could then move for summary
12 judgment on those issues. If summary judgment does not resolve the case, the parties would
13 proceed with Phase II of discovery focused on the remaining negligence elements.

DATED this 21st day of April, 2025.

SAEED & LITTLE, LLP

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By /s/ Jonathan Little (w/ permission) By /s/ Joseph J. Popolizio

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2025, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing; and served on counsel of record via the Court's CM/ECF system.

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